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MARCH 1994

Ontario's 3Rs Regulations

The 3Rs Regulations became law on March 3, 1994. Those affected have from six to 28 months to comply as detailed in the Implementation Summary on page six.

The regulations are comprised of five waste reduction regulations which define the rules and requirements for reduction, reuse and recycling activities in the province. The purpose of the 3Rs Regulations is to reduce the flow of valuable resources now going to disposal in Ontario.

SUMMARY

- The regulations apply only to non-hazardous solid waste from residential and industrial, commercial and institutional (IC&I) sources.
- Residential recycling and backyard composting programs must be provided by all municipalities with a population of 5,000 or more.
- Leaf and yard waste composting must be provided by municipalities of 5,000 or more if they have a leaf and yard waste collection program. Leaf and yard waste collection and composting are required in municipalities of 50,000 or more in population whether or not they currently have a leaf and yard waste collection program.
- Waste audits and waste reduction workplans, updated annually, and source separation (recycling) programs are required for major waste generators in designated industrial, commercial and institutional sectors.
- Packaging audits and packaging reduction workplans, updated every two years, are required for major manufacturers, packagers and importers of packaged food, beverage, paper or chemical products.
- Recycling facilities may be eligible for exemptions from Certificate of Approval requirements under the Environmental Protection Act, provided that certain standards are met.
- Multi-unit residential buildings with six or more units must have a recycling program if the building is located in a municipality with a population of 5,000 or more.

BACKGROUND

The 3Rs Regulations are part of Ontario's Waste Reduction Action Plan, announced in February 1991. The action plan is the basic road map for reaching Ontario's waste reduction target of at least a 50 per cent reduction by the year 2000. The waste reduction target is based on a reduction from 1.0 tonne per person of solid waste sent to disposal in 1987 by all Ontario households, industries, businesses and institutions.

A 1992 target of 25 per cent reduction was achieved through the efforts of hundreds of municipalities, thousands of businesses, industries, schools, hospitals and government offices, and more than three million Ontario households. Having come this far, however, it is still easy to lose sight of how much more has to be done to achieve the 50 per cent target. That's why some rules and guidelines are necessary to keep the province on course.

Details of the regulations were first described in *Initiatives Paper No. 1: Regulatory Measures to Achieve Ontario's Waste Reduction Targets*, released for public consultation in October 1991. A total of 344 submissions was received from municipalities, affected IC&I, environmental, labour and community groups, and private citizens. Additional consultation took place during public hearings on the Waste Management Act (Bill 143) in January-April 1992. Informal consultation with affected groups continued throughout 1993.

REVISIONS TO THE REGULATIONS

On April 29, 1993, the regulations were launched for public review. Revisions have been made to the regulations and are highlighted in the appropriate sections.

Municipal 3Rs programs

Source separation (recycling) programs

All local municipalities of 5,000 or more in population will be required to establish and maintain source separation programs.

The programs must include the following:

- If garbage is collected at the curbside from residential sources, then recyclable materials must also be collected at the curbside.
- If garbage is accepted from residential sources at a waste disposal site (depot or landfill), then measures must be put in place to accept recyclable materials at the site.
- Municipalities between 5,000 and 15,000 population in Northern Ontario* may choose a depot system regardless of the type of garbage collection operation. *However, if this option is chosen, it must be implemented by July 1, 1995.*
- Frequency of curbside collection of recyclables must be at least half that of curbside garbage collection. For example, if garbage is picked up once a week, then recyclables must be picked up at least every two weeks.
- Measures must be implemented to ensure recyclable materials are separated properly from other materials.
- All materials on the basic list (see page four) plus at least two materials from the supplementary list must be collected or accepted. Commingling, that is, collecting separated materials in a common compartment, is allowed.
- Collected recyclables must be transported to a municipal waste recycling site, to an end-user, to a distributor who sends the materials to end-users, or to a waste disposal site.
- Reasonable efforts must be made to ensure that the collected materials are actually recycled.
- Residents must be provided with instructions on proper procedures for source separation and feedback on how much material is being diverted from landfill. A communications program must also encourage residents to participate in the recycling program.
- An annual report must be submitted to the ministry, describing types and amounts of materials collected and diverted from disposal.

Compliance dates have been extended by six months for municipalities in Southern Ontario. Residential source separation, backyard composting and leaf and yard waste composting programs are to be in place by January 1, 1995 instead of July 1, 1994. The compliance date for municipalities in Northern Ontario remains July 1, 1996 for recycling programs and July 1, 1995 for composting programs.

Municipalities are not required to collect recyclables from IC&I sectors; only from residential sources including apartment buildings.

* Territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay, Timiskaming and the Regional Municipality of Sudbury.

Materials to be collected by municipal source separation programs

Basic Blue Box Waste (All materials mandatory)

- Newsprint
- Food and beverage containers made of:
 - aluminum
 - glass
 - steel
 - PET

Supplementary Blue Box Waste (At least two materials are mandatory)

- Aluminum foil
- Boxboard and paperboard
- Corrugated cardboard
- Fine paper
- Foam plastics
- Polycoat paperboard containers
- Magazines
- Plastic film
- Paper cups and plates
- Rigid plastic containers
- Telephone directories
- Textiles (excluding fibreglass, carpet)

Materials have been added to the supplementary list of materials to be collected by municipal source separation (recycling) programs. These are food and beverage polycoat paperboard containers made primarily of paperboard coated with low density polyethylene or aluminum. The film plastic category has also been extended to include LLDPE.

Backyard composting programs

Municipalities with a population of 5,000 or more will be required to implement a residential backyard composting program.

The program must include the following:

- The provision of home composters to residents by the municipality at cost or less.
- The provision of information to residents publicizing the availability of home composters and explaining their proper use and installation. A communications program must also encourage home composting.

Leaf and yard waste collection and composting

Municipalities with a population of 5,000 or more will be required to compost leaf and yard wastes if they have a collection program for these materials. Municipalities with a population of 50,000 or more will be required to implement a leaf and yard waste collection system, even if one is not currently in place, and compost the collected materials.

A leaf and yard collection and composting program must include the following:

- Reasonably convenient service, whether curbside collection, the provision of depots for receiving leaf and yard wastes, or a combination of both.
- The provision of a leaf and yard waste composting site or the services of another such site.
- Transportation of the leaf and yard waste to a composting site.
- Reasonable efforts to ensure that the compost produced is used as a soil conditioner.
- Provisions for the collected leaf and yard wastes to be composted at a leaf and yard waste composting site or other composting site, applied directly to land by the operator of the system, or transported to a person who will directly apply the materials to land. (Note: Direct application to land requires ministry approvals.)
- Sufficient capacity to deal with the anticipated quantity of leaf and yard waste.
- A communications program to promote public participation in leaf and yard waste composting programs.
- An annual report, submitted to the Ministry of Environment and Energy, describing the leaf and yard waste system and the amount of waste collected, accepted, composted or applied to land.

*If a municipality collects **only** Christmas trees and has a population of between 5,000 and 50,000, it will **not** be required to implement a leaf and yard waste collection system.*

Implementation Summary

REQUIRED ACTIONS	WHO'S DESIGNATED	COMPLIANCE DEADLINES	
		Southern Ontario	Northern Ontario
Municipal 3Rs Programs			
Residential source separation (recycling) programs	Only local municipalities with 5,000 + population	January 1, 1995	July 1, 1996
	Only local municipalities in Northern Ontario with population between 5,000 and 15,000 and which choose to implement a depot system	Not applicable	July 1, 1995
Backyard composting programs	Only local municipalities with 5,000 + population	January 1, 1995	July 1, 1995
Leaf and yard waste composting program	All local municipalities with population between 5,000 and 50,000 and which collect leaf and yard waste		
	All local municipalities with 50,000 + population		
IC&I Waste Reduction Programs			
IC&I source separation (recycling) programs (IC&I establishments in municipalities with 5,000 + population)	Retail shopping complexes of 10,000 + m2 total floor area Class A, B or F hospitals under O Reg. 964 of the Public Hospitals Act Schools with 350 + students at a location or campus Owners of restaurants with total annual gross sales of \$3,000,000 + Office buildings with 10,000 + m2 total floor area Hotels and motels with 75 + units Multi-unit residential buildings with 6 or more units	March 3, 1995	July 1, 1996
IC&I source separation (recycling) programs (Regardless of location)	Building construction projects of 2,000 + m2 total floor area Building demolition projects of 2,000 + m2 total floor area Manufacturing sites with 16,000 + total employee hours per month	March 3, 1995	
Waste audits and waste reduction workplans (IC&I establishments in all municipalities)	Retail shopping complexes of 10,000 + m2 total floor area Class A, B or F hospitals under O Reg. 964 of the Public Hospitals Act Schools with 350 + students at a location or campus Owners of restaurants with total annual gross sales of \$3,000,000 + Office buildings with 10,000 + m2 total floor area Hotels and motels with 75 + units Building construction projects of 2,000 + m2 total floor area Building demolition projects of 2,000 + m2 total floor area Manufacturing sites with 16,000 + total employee hours per month	September 3, 1994	
Packaging audits and packaging reduction workplans (IC&I establishments in all municipalities)	Manufacturers or packagers of packaged food, beverage, paper or chemical products, with total employee hours of 16,000 + per month Importers of packaged food, beverage, paper or chemical products, for sale in Ontario, with value of goods imported of \$20,000,000 per year	September 3, 1994	

IC&I waste reduction programs

Major IC&I waste generators

Designated major IC&I waste generators must implement waste audits, waste reduction workplans and source separation programs. In addition, owners of multi-unit residential buildings with six or more dwelling units are required to implement a source separation program. The *Implementation Summary* on page six outlines who is designated, their required actions and compliance deadlines.

Waste audits

The waste audit must:

- Address the amount, nature and composition of waste and the manner by which it gets produced, including the extent to which materials or products used or sold consist of recycled or reused material.
- Assess management decisions and policies that relate to the production of waste such as procurement policies and specifications for raw materials, supplies and equipment. The audit must look at the reasons for the policies and how they can be modified to facilitate 3Rs actions and assist the generator in identifying opportunities to introduce 3Rs activities.

If the designated waste generator is responsible for several establishments with similar activities – for example a restaurant chain or schools under a school board – then a single waste audit can be conducted.

The initial waste audit must be updated annually. A new owner or operator of a facility is not required to conduct a new waste audit if an audit was prepared by a previous owner or operator.

Note: Construction and demolition projects must conduct a waste audit before the project begins.

Waste reduction workplans

A waste reduction workplan consists of an organized set of tasks developed in response to the information gathered during the waste audit. The plan must include reasonable ways to reduce, reuse and recycle waste, responsibilities for implementation, timing and expected results.

The workplan must be updated on an annual basis. If objectives are not met, the reasons can be determined and evaluated in the annual workplan review. Suitable modifications to the workplan can then be implemented.

As part of its implementation, the workplan must be communicated to employees or people who work at a particular facility. A summary of the plan must be posted so that it is visible to employees. Both the waste audit and the waste reduction workplan must be kept on file for five years.

The threshold for restaurants has changed from restaurants with 10 or more employees to owners of restaurants with annual gross sales (during the preceding two years) exceeding \$3 million.

The threshold for manufacturing establishments has changed from those with 100+ employees to those whose total employee hours, in any one month during the preceding two calendar years, exceeded 16,000 hours.

In the case of construction or demolition projects, commingled materials cannot be sent to "municipal waste recycling sites."

Waste reduction workplans must follow the 3Rs hierarchy of reduction first, followed by reuse, then recycling.

Source separation (recycling) programs

Designated major IC&I waste generators are required to implement a source separation program for recyclable materials which are generated by the operation.

As part of the source separation program, collection, handling and storage facilities must be provided for these materials. The generator must make reasonable efforts to ensure full use of the program and that source separated materials are reused or recycled.

The source separation program also must have a communications component to instruct employees and users of the program on how to source separate, which materials are to be collected and in what form the materials must be prepared.

The communications component must also provide information to promote the program and feedback on the amounts of materials diverted as a result of the program.

Multi-unit residential buildings

Owners of multi-unit residential buildings with six or more dwelling units are required to provide a source separation program, if the building is located in a municipality with a population of 5,000 or more. The materials to be collected include: food and beverage containers made of aluminum, glass, steel or PET; newsprint; and other types of materials which are collected in the local municipal Blue Box program.

Note: As in municipal programs, commingling is allowed in IC&I and multi-unit residential source separation programs.

The source separation regulation applies only to IC&I establishments and multi-unit residential dwellings located in a municipality with a population of 5,000 or more. (Designated manufacturers and construction and demolition projects are affected regardless of location.)

If located in Northern Ontario (see definition on page 3), the deadline for IC&I source separation programs has been extended to July 1, 1996 to match the municipal deadline. (Deadline for source separation programs for designated manufacturers and construction and demolition projects remains the same and is March 3, 1995.)

Materials to be source separated by designated IC&I waste generators

Facilities/Projects	Materials to be Source Separated
Construction projects	brick and concrete, corrugated cardboard, wood, drywall, steel
Demolition projects	brick and concrete, wood, steel
Manufacturing establishments	corrugated cardboard, wood, steel, fine paper, newsprint, aluminum, glass, plastic*
Retail shopping establishments and complexes, office buildings, hospitals, education institutions	corrugated cardboard, fine paper, newsprint, and food and beverage containers made of aluminum, glass or steel
Multi-unit residential buildings	food and beverage containers made of aluminum, glass, steel or PET; materials collected in local municipal Blue Box program
Hotels, motels, restaurants	corrugated cardboard, fine paper, newsprint, and food and beverage containers made of aluminum, glass, PET or steel

* HDPE jugs, pails, crates, drums; LDPE and LLDPE film; EPS foam, PS trays, reels, spools

Packaging reduction programs

Packaging refers to all materials used to protect, contain or transport a product. It also includes materials which are physically attached to a product or its container for the purposes of marketing and communications.

The regulation requires major packaging users to conduct packaging audits and packaging reduction workplans. The audit and the reduction workplan account for all the types and amounts of packaging in the user's products.

NOTE: Designated packaging users should follow the Canadian Council of Ministers of the Environment's (CCME) *Packaging Audits and Packaging Reduction Work Plans* guide.

Major packaging users

Large manufacturers and packagers in four product sectors (food, beverage, paper or chemical), and importers of products in these same sectors have been designated as major packaging users (see *Implementation Summary* on page six).

Packaging audit

A packaging audit is an examination of the impact of packaging on waste management needs, activities and opportunities. More specifically, the packaging audit must address the following:

- Practices for obtaining and using packaging.
- Types and quantities of packaging used in the products.
- Reusability or recyclability of a particular choice of packaging.
- Extent of reused packaging.
- Recycled content of packaging.
- Environmental impact of packaging that becomes waste.

The audit identifies the links between these activities. For example, practices for obtaining and using packaging influence the design, specification and selection criteria that determine the type and amount of packaging used.

Finally, the audit examines the fate of packaging following its normal distribution pattern. This accounts for the amount of packaging which is reused, recycled or disposed of after it has reached the consumer.

The threshold for manufacturers and packagers is changed from those with 100+ employees to those whose total employee hours, in any one month during the preceding two calendar years, exceed 16,000 hours.

Packaging reduction workplan

The packaging reduction workplan uses information collected from the audit to reduce the amount of waste resulting from packaging. The workplan evaluates the opportunities for 3Rs implementation highlighted by the audit.

The workplan must include actions, to the extent that is reasonable, which help to ensure:

- A reduction in the amount of packaging used.
- An increase in reused or recycled content of the packaging used.
- An increase in the reusability and recyclability of the packaging used.
- A reduction in the environmental impact of packaging that becomes waste.
- A reduction in the burden of waste for consumers.

Packaging reduction workplans must follow the 3Rs hierarchy of reduction first, followed by reuse, then recycling.

The workplan must identify implementation responsibilities, timing and expected results. A review of the audit and workplan must be done at least every two years. Suitable modifications to the workplan can then be implemented. A summary of the workplan must be posted so that it is visible to employees. The packaging audit and packaging reduction workplan must be submitted, on request, to the Ministry of Environment and Energy within seven days of the request.

Additional rules for designated manufacturers or packagers

Manufacturers or packagers of brand-name products under licence or other contractual arrangements with an owner of the brand name, shall seek the co-operation of the brand-name owner in the preparation of a packaging reduction workplan. The workplan must identify the names of the persons from whom the manufacturer sought co-operation, and a description of the co-operation received.

Additional rules for designated importers

In preparing a packaging reduction workplan, an importer must consider changing buying policies and seeking the co-operation of the persons from whom the importer buys products. The workplan must identify the names of the persons from whom the importer sought co-operation, and a description of the co-operation received.

Recycling facilities

The 3Rs Regulations will make it easier to establish a recycling site for source separated waste, while maintaining strong safeguards for protecting the environment. This will also accelerate the development of recycling capacity and complement other regulatory measures for municipal and IC&I recycling programs.

New approvals process

Under the new 3Rs Regulations, a recycling site or a municipally-controlled depot is exempt from obtaining a Certificate of Approval for waste disposal from the Ministry of Environment and Energy if the proponent meets certain siting requirements. As well, certain design, notification, operating and reporting requirements must be met once the recycling site is in operation. These requirements are detailed in *A Guide to Approvals for Recycling Sites, Leaf and Yard Waste Composting Sites and Compost Use* (see next page to order this guide and others). Failure to meet these requirements would be an offence under the Environmental Protection Act.

The regulations designate three types of recycling facilities: municipal waste recycling sites, leaf and yard waste composting sites, and municipal waste recycling depots.

Municipal waste recycling sites

A municipal waste recycling site is a facility that accepts only materials (source separated or commingled*), as listed in the schedules of source separated waste in the 3Rs Regulations, and transfers them, with or without processing, to secondary material markets for recycling into new products. Processing activities can include only: sorting, grading, sizing, cleaning, drying, deinking, size reduction, pulping, composting, baling, packaging or pelletizing.

To be exempt from obtaining a waste disposal site Certificate of Approval, a municipal waste recycling site must have all buildings, processing and storage areas located at least 50 metres from its property line.

Leaf and yard waste composting sites

Leaf and yard waste composting sites are the central facilities that accept only source separated leaf and yard materials and wood for composting. The wastes that can be accepted are limited to common lawn and garden materials, such as leaves, brush, tree trimmings or grass clippings. Food wastes from the kitchen are not allowed.

A leaf and yard waste composting site is exempt from obtaining a Certificate of Approval for waste disposal and for air emissions, if buildings, processing areas and storage areas are located at least 100 metres from the site boundary and any body of water or water course. Once in operation, the site must meet certain requirements. There are also specific quality control requirements for the use of the finished compost.

Municipal waste recycling depots

Municipal waste recycling depots are locations at which an owner will accept, but not process, source separated materials. The operator will simply provide containers into which materials are deposited and, once full, the containers are transported to other recycling sites. Recycling depots typically serve the general public and are a common part of a small municipality's source separation system.

To be exempt from obtaining a waste disposal site Certificate of Approval, a municipally-owned or controlled waste recycling depot must have all buildings and storage areas at least 50 metres from its property line.

Other exemptions from Part V, Environmental Protection Act

Integrated recycling sites

These are municipal waste recycling sites located at a manufacturing facility that uses the output of the recycling site in its manufacturing process. These sites are exempt from Part V, (Sections 27, 40 and 41) Environmental Protection Act and the regulation.

* Source separated construction and demolition materials which have been commingled cannot be accepted under these regulations.

Municipal waste recycling depots

All municipally-controlled waste recycling depots with a total waste storage capacity of less than 200 m³ are exempt from Part V, (Sections 27, 40 and 41) Environmental Protection Act and the 3Rs Regulations. All waste at these sites must be removed at least every thirty days.

Source separated recyclable materials

Source separated materials (not commingled) that are shipped from a waste generator to an end user are exempt from Part V, Environmental Protection Act, and Regulation 347. In other words, these materials are not considered to be waste. They are incorporated into a finished product at the site where they are received.

For more information

- Copies of the 3Rs Regulations are available from Publications Ontario at 1-800-668-9938 or 326-5300 in Toronto.
- Six guides to the 3Rs Regulations have been developed for source separation programs, waste audits and workplans, packaging audits and workplans and composting/recycling sites. To order, call the ministry's Public Information Centre at 1-800-565-4923 or in Toronto at 323-4321 or write to the address below.
- For answers to questions of a technical nature on the 3Rs Regulations, call the ministry's Waste Reduction Office at (416) 325-4440; or Ministry of Environment and Energy's Regional or District Offices located in the Blue Pages of your telephone directory.
- 'How to' conduct a waste audit and reduction workplan is available by calling the Recycling Council of Ontario at 1-800-263-2849 or 960-0938 in Toronto. Municipalities can get advice and information from the Association of Municipal Recycling Coordinators at (519) 823-1990.

3Rs REGULATIONS

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